

REMARKS

Claims 8-20, 23-37, 43-51, and 54-56 are pending in this application.

Applicants have amended claims 8, 13, 15, 17, 28, 30, 34, 36, 43, 45, and 54-56. The changes to the claims made herein do not introduce any new matter.

Rejections Under 35 U.S.C. § 103

Applicants respectfully request reconsideration of the rejection of claims 8, 11-15, 17, 18, 23, 27-30, 33-36, 43, 45, 51, and 54-56 under 35 U.S.C. § 103(a) as being unpatentable over *Kuno et al.* (“*Kuno*”) (U.S. Patent No. US 6,538,242 B1) in view of *Ohkubo* (U.S. Patent No. US 7,136,187 B1). As will be explained in more detail below, the combination of the *Kuno* and *Ohkubo* references would not have rendered the presently claimed subject matter obvious to one having ordinary skill in the art.

Applicants have amended the independent claims to clarify that the color space information is different from the color space at the time of image data generation.

Applicants maintain the position that even if *Ohkubo* reference were to be applied to the *Kuno* reference, which discloses a digital still camera, in the manner proposed by the Examiner, the result of the combination would not have included each and every feature of the presently claimed subject matter. Furthermore, there would not have been any motivation for one having ordinary skill in the art to apply *Ohkubo* to *Kuno* in the manner proposed by the Examiner.

The *Kuno* reference discloses the features of giving the spectral responsivity characteristic of an image pick-up device to image data, and using the spectral responsivity characteristic so as to enable an image output device to accurately reproduce the colors of a photographic subject. As such, the *Kuno* reference discloses only a conventional color matching technique, which is used to enable an image pick-up device to relate the characteristics of the image pick-up device or an input device to image data.

The *Ohkubo* reference discloses the features of extracting know-how for carrying out color conversion that does not depend upon monitor characteristics after certain steps such as measuring the monitor display colors, and using the know-how to convert input data to output data. Thus, the *Ohkubo* reference discloses only a technique for reflecting the color correction technique of a photographer, based on the premise of a conventional color matching technique, which carries out color conversion on an image based on the output characteristics of an output device when the output device outputs the image.

Neither the *Kuno* reference nor the *Ohkubo* reference discloses or suggests attaching color space information to image data, where the color space information designates a color space to be used by an image output apparatus.

In particular, the *Kuno* reference merely discloses the technical concept of attaching the spectral responsivity characteristic of an image pick-up device to image data. The *Kuno* reference fails to disclose (or suggest) the technical concept of designating color space information to be used by an image output apparatus. The *Ohkubo* reference allows extracted know-how to be directly stored in a computer system 80, and it is not attached to image data. The know-how shown by *Ohkubo* is used to reflect the color correction technique of a photographer, and *Ohkubo* gives no consideration to the characteristics of an output media device 70 connected to the computer system 80.

In the event the *Kuno* and *Ohkubo* references were to be combined, the combination would merely result in a configuration that allows an input device (an image pick-up device) to relate the characteristics of the input device to image data and allows an output device to carry out color conversion of the image data based on the output characteristics of the output device when the output device outputs the image data. As such, the combination of the *Kuno* and *Ohkubo* references would not result in color space information being attached to image data as in the presently claimed subject matter.

In the Office Action the Examiner states that he “is not trying to modify the digital camera of Kubo into a computer system of Ohkubo to establish a *prima facie* case of obviousness, rather only trying to establish the fact that the problem they are trying to solve namely ‘conversion of color space for an output apparatus’ is reasonably pertinent to the problem with which [applicant] is involved, and would have commended themselves to anyone addressing such a problem.” Office Action at page 3. In response to the Examiner’s statement, Applicants note that the problems to be solved by the *Kuno* and *Ohkubo* references are dramatically different from the problem being addressed by the claimed subject matter. In fact, the *Kuno* and *Ohkubo* references are incapable of enabling a digital still camera to designate a color space conversion to be performed in an image output apparatus. Rather, the techniques disclosed in the *Kuno* and *Ohkubo* references do not allow the user to specify the color conversion to be used in an image output apparatus.

Accordingly, for at least the foregoing reasons, independent claims 8, 13, 15, 17, 28, 30, 34, 36, 43, 45, and 54-56, as amended herein, are patentable under 35 U.S.C. § 103(a) over *Kuno* in view of *Ohkubo*. The dependent claims are likewise patentable under 35 U.S.C. § 103(a) over *Kuno* in view of *Ohkubo* for at least the same reasons set forth above regarding the applicable independent claim.

Applicants respectfully request reconsideration of the rejection of claims 9, 10, 19, 20, 31, and 32 under 35 U.S.C. § 103(a) as being unpatentable over *Kuno* in view of *Ohkubo*, and further in view of *Nakajima* (U.S. Patent No. US 6,650,437 B1). Each of claims 9, 10, 19, 20, 31, and 32 depends from one of independent claims 8, 17, and 30. The deficiencies of the combination of the *Kuno* and *Ohkubo* references relative to the subject matter specified in present independent claims 8, 17, and 30 are discussed above. The *Nakajima* reference does not cure the above-discussed deficiencies of the combination of the *Kuno* and *Ohkubo* references relative to the presently claimed subject matter. Accordingly, claims 9, 10, 19, 20,

31, and 32 are patentable under 35 U.S.C. § 103(a) over the combination of *Kuno* in view of *Ohkubo*, and further in view of *Nakajima* for at least the same reasons set forth above regarding claims 8, 17, and 30.

Applicants respectfully request reconsideration of the rejection of claims 37, 44, and 46 under 35 U.S.C. § 103(a) as being unpatentable over *Kuno* in view *Ohkubo*, and further in view of *Anabuki et al.* (“*Anabuki*”) (U.S. Patent No. US 6,441,913 B1). Claims 37, 44, and 46 depend from claims 36, 43, and 45, respectively. The deficiencies of the combination of the *Kuno* and *Ohkubo* references relative to the subject matter specified in present independent claims 36, 43, and 45 are set forth above. The *Anabuki* reference does not cure the above-discussed deficiencies of the combination of the *Kuno* and *Ohkubo* references relative to the presently claimed subject matter. Accordingly, claims 37, 44, and 46 are patentable under 35 U.S.C. § 103(a) over the combination of *Kuno* in view of *Ohkubo*, and further in view of *Anabuki* for at least the same reasons set forth above regarding claims 36, 43, and 45.

Applicants respectfully request reconsideration of the rejection of claims 26 and 47-50 under 35 U.S.C. § 103(a) as being unpatentable over *Kuno* in view of *Ohkubo*, and further in view of *Buhr et al.* (U.S. Patent No. 5,528,339). Each of dependent claims 26 and 47-50 ultimately depends from one of independent claims 17 and 45. The deficiencies of the combination of the *Kuno* and *Ohkubo* references relative to the subject matter specified in present independent claims 17 and 45 are set forth above. The *Buhr et al.* reference does not cure the above-discussed deficiencies of the combination of the *Kuno* and *Ohkubo* references relative to the presently claimed subject matter. Accordingly, claims 26 and 47-50 are patentable under 35 U.S.C. § 103(a) over the combination of *Kuno* in view of *Ohkubo*, and further in view of *Buhr et al.* for at least the same reasons set forth above regarding claims 17 and 45.

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Amendment dated August 29, 2008
Response to Office Action dated May 29, 2008

Applicants respectfully request reconsideration of the rejection of claims 16, 24, and 25 under 35 U.S.C. § 103(a) as being unpatentable over *Kuno* in view of *Ohkubo*, and further in view of *Parulski et al.* (U.S. Patent No. US 6,310,647 B1). Each of dependent claims 16, 24, and 25 ultimately depends from one of independent claims 15 and 17. The deficiencies of the combination of the *Kuno* and *Ohkubo* references relative to the subject matter specified in present independent claims 15 and 17 are set forth above. The *Parulski et al.* reference does not cure the above-discussed deficiencies of the combination of the *Kuno* and *Ohkubo* references relative to the presently claimed subject matter. Accordingly, claims 16, 24, and 25 are patentable under 35 U.S.C. § 103(a) over the combination of *Kuno* in view of *Ohkubo*, and further in view of *Parulski et al.* for at least the same reasons set forth above regarding claims 15 and 17.

Conclusion

In view of the foregoing, Applicants respectfully request reconsideration and reexamination of claims 8-20, 23-37, 43-51, and 54-56, as amended herein, and submit that these claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 749-6902. If any additional fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. MIPFP006).

Respectfully submitted,
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